This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Abolish System of Records

AGENCY: Office of the Secretary, USDA.


SUMMARY: The records formerly maintained in the Privacy Act System of Records, USDA/FS–12 Incident Management and Prescribed Fire Qualification and Experience Records are now maintained in another Privacy Act System of Records, USDA/BLM–40 Incident Certification and Certification System (IQCS); as published in the Federal Register on February 6, 2008. The System of Records, USDA/FS–12, Incident Management and Prescribed Fire Qualification and Experience Records is abolished as absolute and no longer used, and it is removed from the inventory of the USDA System of Records.


Edward T. Schafer, Secretary.

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BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Determination of Substantial Overriding Public Interest for Extending Certain Timber Sale Contracts

AGENCY: Forest Service, USDA.

ACTION: Notice of Determination of Substantial Overriding Public Interest.

SUMMARY: Pursuant to section 472a(c) of the National Forest Management Act of 1976 (NFMA), and the authority delegated at 7 CFR 2.20, the Under Secretary of Agriculture for Natural Resources and Environment has determined that the substantial overriding public interest (SOPI) justifies the use of market-related contract term adjustments (MRCTA) to extend beyond 10 years, certain existing green timber sale contracts tied to softwood lumber prices since 2004 and the more recent hardwood lumber decline. The determination was made on September 10, 2008 by the Under Secretary of Agriculture for Natural Resources and Environment.


Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

Background

Section 472a(c) of NFMA provides, in part, as follows:

Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use, Sustained-Yield Act of 1960) will result, sales contracts shall be for a period not to exceed 10 years: Provided, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser.1

Although the Forest Service generally does not allow the extension of timber sale contracts beyond 10 years, the Secretary of Agriculture may extend such contracts beyond 10 years if he determines doing so will result in the better utilization of the various forest resources. However, the Secretary **shall not extend any contract period with an original term of 2 years or more unless he finds (A) that the purchaser has diligently performed in accordance with the approved plan of operation or (B) that the substantial overriding public interest justifies the extension.**2

The Under Secretary of Agriculture for Natural Resources and Environment has determined that a healthy timber industry infrastructure results in the better utilization of the various forest resources. The grant of additional MRCTA time to purchasers eligible for relief under this SOPI is intended to help maintain that infrastructure by preventing timber sale purchasers from defaulting on their contracts, closing their mills, and filing for bankruptcy protection. Having numerous economically viable timber sale purchasers is in the substantial overriding public interest for many reasons, including the following: (1) It allows the Forest Service to accomplish land management objectives in a cost-effective manner; (2) it increases competition for National Forest System timber sales and can result in higher prices paid for timber; (3) it helps

1 16 U.S.C. 472a(c).
2 Id.